

E-FILED on 03/23/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC.; CYTYC CORPORATION;
and HOLOGIC LP,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

No. C-08-00133 RMW


ORDER REGARDING MOTION FOR
SUMMARY JUDGMENT AND MOTION TO
STRIKE

[Docket No. 131, 166, 206]

On May 21, 2008, defendant SenoRx, Inc. moved for partial summary judgment of non-infringement as to five claims of the three patents at issue in this suit. After a stipulated stay of 60 days to allow the parties to discuss a possible resolution of the dispute, the parties requested a *Markman* and summary judgment hearing, which was scheduled for October 15, 2008. On October 2, 2008, the parties stipulated to postpone the hearing on the motion for partial summary judgment, stating that "a postponed hearing is warranted because construction of claim terms addressed in SenoRx's motion may render moot or allow the parties to agree on some or all of the issues within the motion for summary judgment." Joint Stipulated Administrative Motion to Postpone Hearing Defendant's Motion for Partial Summary Judgment 2 (Docket No. 249).

1 Therefore, the court considers the motion for partial summary judgment (Docket No. 131)
2 and the related motion to strike (Docket Nos. 166, 206) no longer pending, but will permit them to
3 be renoticed for decision at the request of either party.

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6 DATED: 03/23/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

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14 **Dated:** 03/23/09

JAS
Chambers of Judge Whyte

United States District Court
For the Northern District of California